

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANTHONY GEORGE ALLEN,)	
Plaintiff,)	
v.)	C.A. No. 05-31 Erie
)	District Judge McLaughlin
UNITED STATES OF AMERICA,)	Magistrate Judge Baxter
Defendant.)	

ORDER

AND NOW, this 20th day of January, 2006;

IT IS HEREBY ORDERED that the motion to dismiss or for summary judgment filed by the United States [Document # 10] is dismissed as moot in light of the filing of an amended complaint.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

S/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
CHIEF UNITED STATES MAGISTRATE JUDGE